

JUDGE COLEMAN  
MAGISTRATE JUDGE FUENTES

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RECEIVED  
11/17/2021 CR  
THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

VIVEK SHAH,  
Plaintiff,  
  
v.  
  
NYP HOLDINGS, INC.,  
Defendant.

1:21-CV-06148  
FILED CP  
11/18/2021  
THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

VERIFIED COMPLAINT  
FOR INJUNCTIVE AND DECLARATORY RELIEF AND DAMAGES  
  
PRELIMINARY STATEMENT

1. NYP Holdings, Inc. (“NYP”), a global media outlet, has been exploiting Plaintiff’s unlicensed copyrighted images of himself with celebrities, for substantial commercial gains for nearly a decade. While Plaintiff was incarcerated, NYP took advantage of his weakness, perhaps believing he was a “wacko”<sup>1</sup> that did not have the mental capacity to sue. NYP published 16 of Plaintiff’s copyright protected images in its print publication as well as its online articles, without a license or Plaintiff’s consent, and then falsified and misrepresented some of the facts of himself and his criminal case, casting him in an extremely negative light.

NATURE OF THE ACTION

2. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of copyrighted photographs of Plaintiff that are owned by him. Accordingly, Plaintiff seeks

<sup>1</sup> <https://nypost.com/2012/08/24/aspiring-actor-accused-in-weinstein-plot-has-history-of-threats-money-obsessions-and-stealing-toilets-ex-roomie/>

monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

3. Plaintiff seeks injunctive, monetary, and declaratory relief against Defendant for engaging illegal distribution of Plaintiff's copyrighted images.

4. Plaintiff brings this action to address Defendant's unlawful conduct and to redress the harm he has suffered and will continue to suffer as a direct result of that conduct, absent relief.

### **PARTIES**

5. Plaintiff Vivek Shah is a natural-born U.S. citizen. In August 2012, he was arrested by the FBI for Mailing Threatening Communications with intent to extort. He was sentenced in the Southern District of West Virginia to 87 months in prison, followed by 3 years of Supervised Release. On February 4, 2019, he was released from prison, and on February 4, 2020, his supervision was terminated by Honorable Jorge L. Alonso of this Court. His principal place of residence is 236 Woburn Ln, Schaumburg, IL 60173.

6. Defendant NYP Holdings, Inc. is a Delaware corporation and is the owner of The New York Post, a conservative daily tabloid newspaper headquartered in New York City. It also operates NYPost.com, the celebrity gossip site PageSix.com, and the entertainment site Decider.com. Its distribution ranked 4th in the US in 2019. Its parent company is News Corp., a publicly traded company on the NASDAQ. Its principal place of business is 1211 Avenue of the Americas, New York, NY 10039.

7. In acting or omitting to act as alleged herein, NYP was acting through its employees and/or agents and is liable on the basis of the acts and omissions of its employees and/or agents.

8. In acting or omitting to act as alleged herein, each employee, officer or agent of NYP was acting in the course and scope of his or her actual or apparent authority pursuant to such agencies, or the alleged acts or omissions of each employee or officer as agent were subsequently ratified and adopted by NYP as principal.

### **JURISDICTION AND VENUE**

9. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.* The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. This Court has personal jurisdiction over Defendant because:

- a. It publishes content on its website, <https://nypost.com>, daily, which is distributed and accessible to residents of Illinois, including Plaintiff. It generates substantial revenue from dozens of advertisements it displays on most of its pages.
- b. The Copyright Images, *infra*, were published on NYP's website and in print, that were intended for distribution to its viewers and readers in this district.
- c. Upon information and believe, it routinely subscribes residents of Illinois to its \$4.99/mo recurring subscription of its product known as Post Sports+.
- d. It offers multiple mobile apps to residents of Illinois, containing in-app purchases.

11. This Court has authority to grant declaratory and injunctive relief under 17 U.S.C. § 502, 28 U.S.C. §§ 2201 and 2202 and Rule 57 of the Fed. Rules of Civ. P.

12. Venue is proper in this district under 28 U.S.C. § 1391(b). A substantial part of the events and omissions giving rise to the claims occurred in this district.

## **FACTUAL BACKGROUND**

### **A. Plaintiff's Ownership of the Photographs**

13. From in or around July 2008 through August 2012, Plaintiff worked as a professional actor in Hollywood, CA. He has been a member of the Screen Actors Guild since 2009. By means of his profession and other business relationships, Plaintiff obtained access to exclusive Hollywood events.

14. At each event, Plaintiff carried a mobile phone with a camera and/or a compact digital camera. From time to time, when Plaintiff met a celebrity, he would ask the person if he could have a photograph with them. Upon acknowledgement, Plaintiff would either ask a friend or a bystander to take a photograph of them, by handing his camera to the individual. After taking the photograph, the individual would hand the camera back to Plaintiff.

15. Plaintiff had his photographs taken with over 100 celebrities during this time, 16 of which are as follows:

Copyright Image #1: A photograph of Vivek Shah and actress Amy Smart.

Copyright Image #2: A photograph of actor Samuel L. Jackson and Vivek Shah.

Copyright Image #3: A photograph of actress Kristen Stewart and Vivek Shah.

Copyright Image #4: A photograph of actress Mila Jovovich and Vivek Shah.

Copyright Image #5: A photograph of Vivek Shah and actor Bill Paxton.

Copyright Image #6: A photograph of Vivek Shah and actor Tom Cruise.

Copyright Image #7: A photograph of Vivek Shah and actor Zach Galifianakis.



Copyright Image #8: A photograph of actor Jonah Hill and Vivek Shah.

Copyright Image #9: A photograph of Vivek Shah and Danny DeVito.

Copyright Image #10: A photograph of actor Alec Baldwin and Vivek Shah.

Copyright Image #11: A photograph of actor Jesse Eisenberg and Vivek Shah.

Copyright Image #12: A photograph of singer Ozzy Osbourne and Vivek Shah.

Copyright Image #13: A photograph of actor Ray Romano and Vivek Shah.

Copyright Image #14: A photograph of Vivek Shah and media personality Paris Hilton.

Copyright Image #15: A photograph of actress Sofia Vergara and Vivek Shah.

Copyright Image #16: A photograph of Vivek Shah and actor Adrien Brody.

Collectively, the “Copyright Images.”

16. A true and correct copy of each of the above photos is attached hereto as Exhibit A.

17. Plaintiff is the author of all 16 photographs and has at all times been the sole owner of all right, title and interest in and to the photographs, including the copyright thereto.

18. Within a few hours or a few days of the photographs that were taken, Plaintiff uploaded all 16 of them to his personal Facebook account, some of which he later added to his IMDB page<sup>2</sup>.

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<sup>2</sup> <https://www.imdb.com/name/nm2862542>

**B. Plaintiff's Arrest and Release**

19. On August 10, 2012, Plaintiff was arrested by the FBI while he was visiting his parents in Schaumburg, IL. He was detained in at the Metropolitan Correctional Center in Chicago, IL while awaiting transfer to a jail in the Southern District of West Virginia.

20. On August 22, 2012, a four-count Indictment was filed against Plaintiff.

21. On September 11, 2013, after pleading guilty, Plaintiff was sentenced to 87 months imprisonment followed by three years of supervised release.

22. On February 4, 2019, Plaintiff was released from prison.

23. Soon upon Plaintiff's release from prison he discovered NYP's infringing activities as stated below.

**C. Defendant's Infringing Activities**

24. On August 23, 2012, at or around 4:00am, NYP published an article on its website titled "Aspiring actor busted for attempted extortion of Harvey Weinstein: feds"<sup>3</sup> ("Article 1"). The article prominently features Copyright Images #1-14 in a carousel format. A true and correct copy of the article is attached hereto in Exhibit B. According to the attribution, credit was given to "IMDB/Facebook" for each of Copyright Images #1-14.

25. On August 23, 2012, at or around 4:00am, NYP published another article titled "A star in his own mind"<sup>4</sup> ("Article 2"). A true and correct copy of the article is attached hereto in Exhibit C. The article provides a "+" sign, signifying a prior expandable image that was placed in it but was subsequently removed.

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<sup>3</sup> <https://nypost.com/2012/08/23/aspiring-actor-busted-for-trying-to-extort-millions-from-harvey-weinstein-feds/>

<sup>4</sup> <https://nypost.com/2012/08/23/a-star-in-his-own-mind/>

26. On August 23, 2012, at or around 4:00am, NYP published yet another article titled “Judge dumb‘struck’”<sup>5</sup> (“Article 3”). The article prominently features Copyright Image #16. A true and correct copy of the article is attached hereto in Exhibit D. Importantly, the use of Copyright Image #16 had no relationship to the content of the article. According to the attribution, credit for Copyright Image #16 was given to “IMDB/Facebook.”

27. On August 23, 2012, at or around 7:18am, NYP published an article titled “Accused Weinstein extorter Vivek Shah parties with celebs”<sup>6</sup> (“Article 4”). The article prominently features Copyright Images #1-14. A true and correct copy of the article is attached hereto in Exhibit E. According to the attribution, credit was given to “IMDB/Facebook” for each of Copyright Images #1-14.

28. On August 23, 2012, at or around 7:02pm, NYP published an article titled “Harvey Weinstein shaken by extortion attempt: report”<sup>7</sup> (“Article 5”). The article prominently features a cropped version of Copyright Image #14. A true and correct copy of the article is attached hereto in Exhibit F. The article does not provide any attribution to Copyright Image #14.

29. On August 24, 2012, at or around 4:00am, NYP published an article titled “Aspiring actor accused in Weinstein plot has history of threats, money obsessions — and stealing toilets: ex-roomie”<sup>8</sup> (“Article 6”). The article prominently features Copyright Image #15.

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<sup>5</sup> <https://nypost.com/2012/08/23/judge-dumbstruck/>

<sup>6</sup> <https://nypost.com/2012/08/23/accused-weinstein-extorter-vivek-shah-parties-with-celebs/>

<sup>7</sup> <https://nypost.com/2012/08/23/harvey-weinstein-shaken-by-extortion-attempt-report/>

<sup>8</sup> <https://nypost.com/2012/08/24/aspiring-actor-accused-in-weinstein-plot-has-history-of-threats-money-obsessions-and-stealing-toilets-ex-roomie/>

A true and correct copy of the article is attached hereto in Exhibit G. The article does not provide any attribution to Copyright Image #15.

30. Articles 1-6 also appeared in print publications of NYP's daily newspaper, many of which were placed on its front page along with a copyright image.

31. Each Copyright Image appears on NYP's servers.

32. NYP did not license the Copyright Images from Plaintiff for its articles, nor did NYP have Plaintiff's permission or consent to publish the photographs on its website.

33. Neither Facebook nor IMDB licensed or sublicensed the photographs to NYP.

34. NYP's infringing conduct was willful since 1) it knew that Plaintiff was the owner of the Copyright Images, 2) it credited IMDB and Facebook when it knew that Plaintiff had uploaded the images to IMDB and Facebook's servers under the agreements with each, and 3) it licensed images of Harvey Weinstein - multiple times - from WireImage, a subsidiary of Getty Images, Inc., but not the Copyright Images from Plaintiff.

35. Excluding print revenue, a rough estimate of the ad revenues generated by the online articles is calculated as follows: 23M total page views (Articles 1, 3, 4, and 5 over a period of 10 years) x \$5 RPM<sup>9</sup> (Revenue per Mille of ad views) x 21 ads/article (Average number of third-party ads in each article) = \$2,415,000.

#### **D. Defendant's False Statements**

36. In Article 1, NYP falsely stated that Plaintiff was "threatening to kill [Harvey Weinstein]."

37. In Article 2, NYP falsely stated that 1) "[Plaintiff] was so proud of his snapshot with Tom Cruise, he e-mailed it to his parents in the Chicago suburb of Schaumburg, Ill., who

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<sup>9</sup> <https://alphainvestors.com/seo/100-day-traffic/>

believed him to be a successful actor,” 2) Plaintiff “faked his way onto Hollywood red carpets,” 3) “His other roles included a 2012 low-budget drama, ‘Monday Morning,’ in which he plays a ‘liquor- store worker,’” and 4) Plaintiff “is also listed as the producer of ‘Yeh Khula Aasmaan’ a 2012 movie[.]”

38. In Article 5, NYP falsely stated that 1) Plaintiff was a “wannabe actor,” and 2) Plaintiff “threatened to kill [Harvey Weinstein].”

39. In Article 6, as the caption of Copyright Image #15, NYP falsely stated: 1) “FRAUD,” 2) that Plaintiff “threatened to kill Harvey Weinstein” and 3) that Plaintiff “liked to pretend he was a bigwig.” In Article 6, it NYP also falsely stated that 1) Plaintiff “crashed Tinseltown events” and 2) the Criminal Complaint details Plaintiff “setting up a bank account in Cyprus.”

#### **E. Defendant’s Conduct Cannot be Considered Fair Use**

40. The copyright law’s goal of promoting the Progress of Science and useful Arts, as provided in Article I, Section 8, Clause 8, of the United States Constitution, would not be better served by allowing the aforementioned use than by preventing it.

41. The fact that NYP is a news reporting entity does not relieve itself of its obligations to intellectual property laws.

42. NYP’s use of Plaintiff’s copyrighted work was not transformative. It added no value to Plaintiff’s original work. Nor did it create new information, aesthetics, insights or understandings of the original work when it exploited the copyrighted images for commercial use.

43. In its most literal sense, NYP stole Plaintiff’s personal images by simply inserting the photos in its articles which only recited some factual information.

44. Plaintiff's photographs are creative work, in that he directed and posed the subjects of the photos, in addition to selecting the appropriate place to stand and face a direction for background.

45. Nearly all the copyrighted work was used as a whole and unedited version of Plaintiff's photographs. NYP's use of the full-scale version and some cropped photographs belonging to Plaintiff failed to provide context to its potential readers to understand the criminal allegations against him.

46. Plaintiff, either himself, or by means of his family or attorney, would have licensed the Copyright Images for secondary use. After all, he "intended to obtain publicity that he hoped would further his acting career." Plea Agreement, *United States v. Shah*, No. 5:12-cr-00172 (S.D.W.V. May. 9, 2013) (Doc. 85 at 10).

47. Publishing the Copyright Images without permission effectively destroyed the primary market for its use. As the owner of the work, Plaintiff had the right to try to sell the Copyright Images to media outlets, if he decided to do so.

48. By unlawfully publishing and *sensationalizing* the Copyright Images without a license, Plaintiff was effectively chilled from licensing them in the market.

#### **CAUSE OF ACTION – COPYRIGHT INFRINGEMENT**

**(17 U.S.C. §§ 106, 501)**

49. Plaintiff realleges and incorporates by reference every allegation set forth in the preceding paragraphs as though alleged in this Count.

50. NYP infringed Plaintiff's copyright in Copyright Images #1-16 by reproducing and publicly displaying the photographs on its website. NYP is not, and has never been, licensed or otherwise authorized to reproduce, publicly display, distribute and/or use the photographs.

51. NYP actually copied Plaintiff's photographs for commercial purposes. There is substantial similarity between Plaintiff's copyright-protected photographs and those used by NYP in its various articles.

52. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

53. Upon information and believe, the foregoing acts of infringement by NYP have been willful, intentional, and purposeful, in disregard of and with indifference to Plaintiff's rights.

54. As a direct and proximate cause of Defendant's infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to recover his actual damages and Defendant's profits pursuant to 17 U.S.C. § 504(b).

55. Plaintiff further is entitled to recover his attorney's fees and full costs pursuant to 17 U.S.C § 505.

#### **DEMAND FOR JURY TRIAL**

56. Under Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury on all issues triable as of right.

#### **REQUESTED RELIEF**

57. Plaintiff respectfully requests judgment as follows:

a. That Defendant be adjudged to have infringed upon Plaintiff's copyright in

The Copyright Images in violation of 17 U.S.C §§ 106 and 501;

- b. That Defendant be permanently enjoined from displaying, exhibiting, showcasing, or otherwise retaining a copy of the Copyright Images on its website and servers;
- c. That Defendant be enjoined to use its Google Search Console account to remove Google's indexing of the Copyright Images or any other reference thereof;
- d. That Plaintiff be awarded his actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's photographs;
- e. The Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
- f. That Plaintiff be awarded his costs, expenses and attorney's fees pursuant to § 505;
- g. That Plaintiff be awarded pre-judgment interest; and
- h. Order such other relief as this Court deems just and equitable.

Dated: November 17, 2021

Respectfully submitted,

/s/ Vivek Shah

Vivek Shah  
236 Woburn Ln  
Schaumburg, Il 60173

**VERIFICATION OF COMPLAINT**

I, Vivek Shah, hereby declare under penalty of perjury that the foregoing facts contained in this Complaint are true and correct to the best of my knowledge.

Executed on November 17, 2021

/s/ Vivek Shah  
VIVEK SHAH

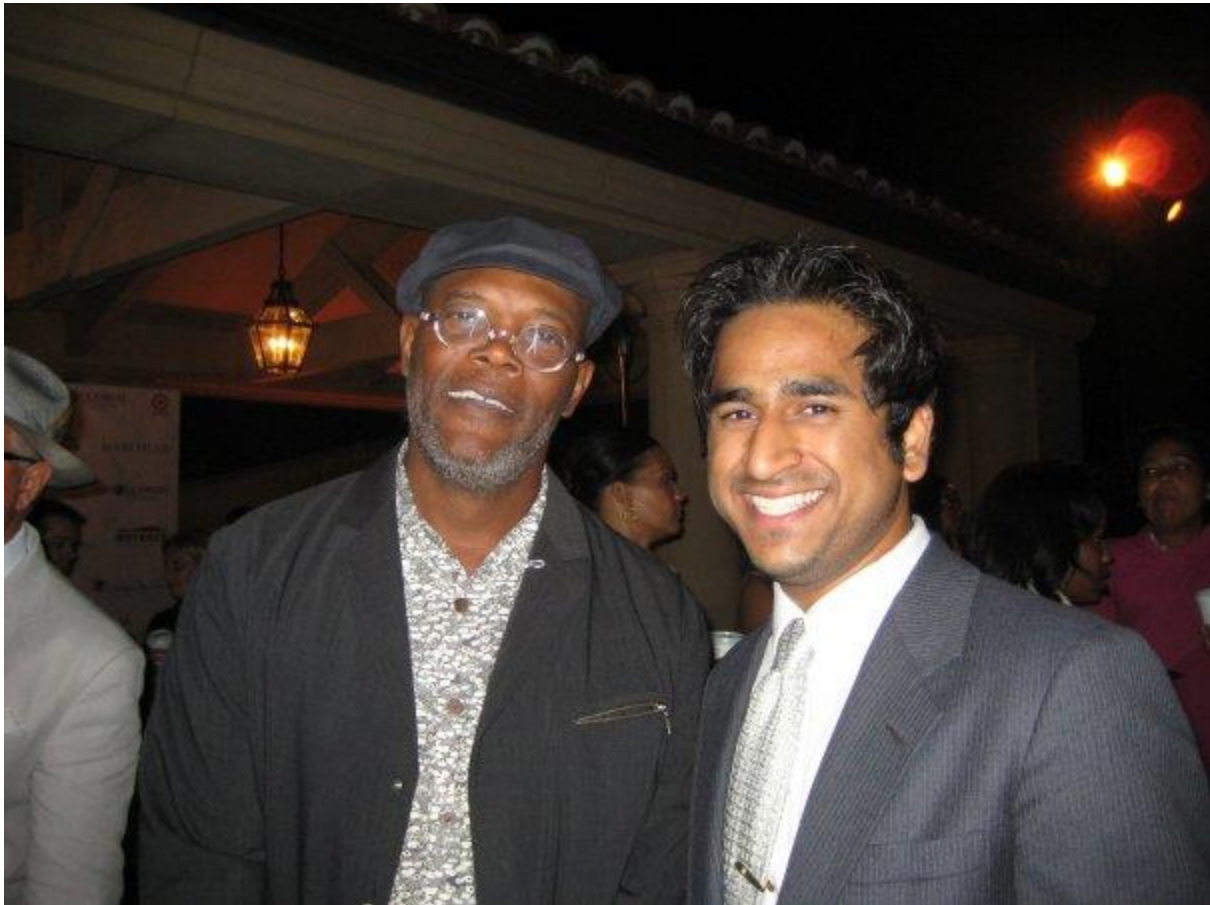


# Exhibit A

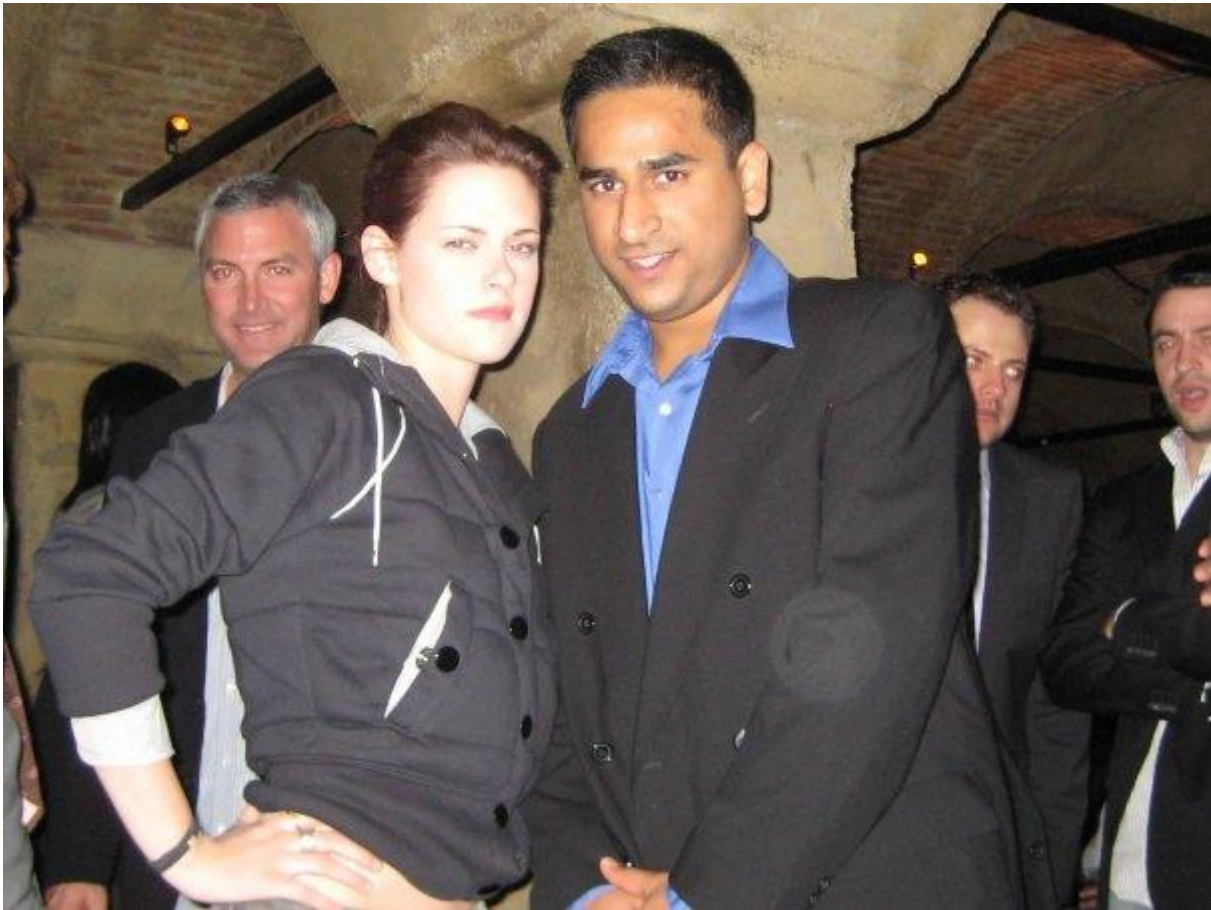
**Copyright Image #1: A photograph of Vivek Shah and actress Amy Smart.**



**Copyright Image #2: A photograph of actor Samuel L. Jackson and Vivek Shah.**



**Copyright Image #3: A photograph of actress Kristen Stewart and Vivek Shah.**





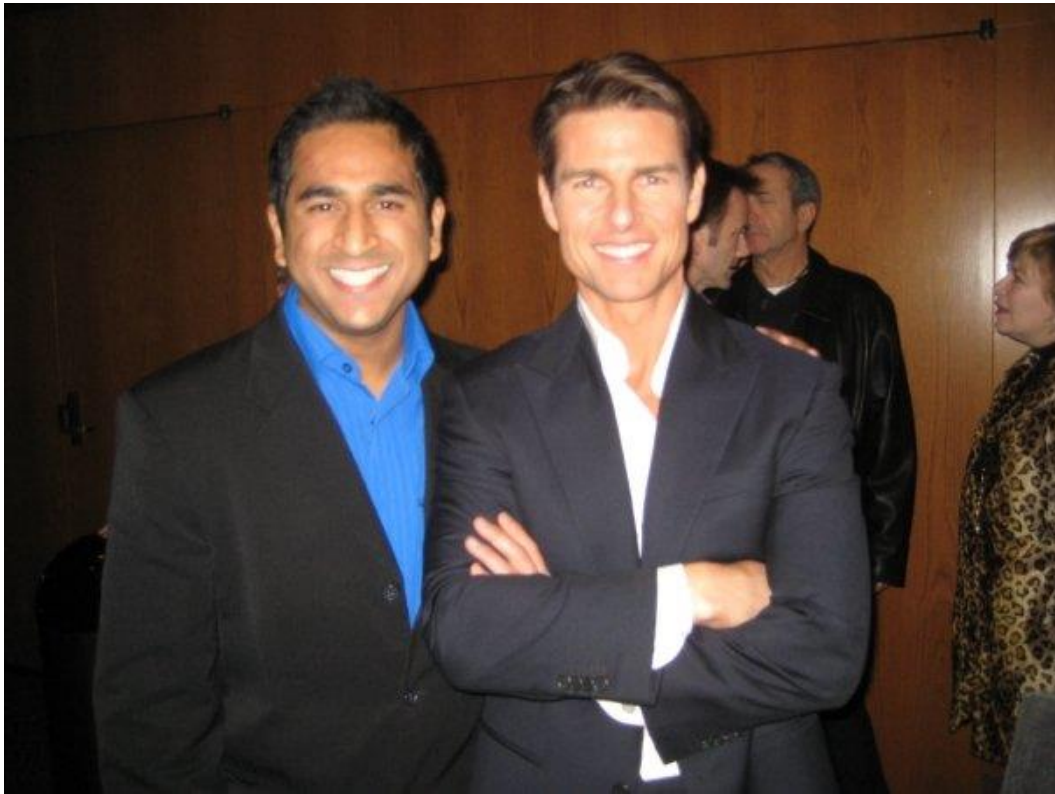
**Copyright Image #4: A photograph of actress Mila Jovovich and Vivek Shah.**



**Copyright Image #5: A photograph of Vivek Shah and actor Bill Paxton.**



**Copyright Image #6: A photograph of Vivek Shah and actor Tom Cruise.**





**Copyright Image #7: A photograph of Vivek Shah and actor Zach Galifianakis.**





**Copyright Image #8: A photograph of actor Jonah Hill and Vivek Shah.**



**Copyright Image #9: A photograph of Vivek Shah and Danny DeVito.**



**Copyright Image #10: A photograph of actor Alec Baldwin and Vivek Shah.**



**Copyright Image #11: A photograph of actor Jesse Eisenberg and Vivek Shah.**





**Copyright Image #12: A photograph of singer Ozzy Osbourne and Vivek Shah.**



**Copyright Image #13: A photograph of actor Ray Romano and Vivek Shah.**



**Copyright Image #14: A photograph of Vivek Shah and media personality Paris Hilton.**





**Copyright Image #15: A photograph of actress Sofia Vergara and Vivek Shah.**





**Copyright Image #16: A photograph of Vivek Shah and actor Adrien Brody.**



# Exhibit B

“Article 1”

## NEWS

## Aspiring actor busted for attempted extortion of Harvey Weinstein: feds

By Emily Smith

August 23, 2012 | 4:00am



Harvey Weinstein  
WireImage

This is *not* the way to make it in movies.

An aspiring actor from West Hollywood has been busted for trying to extort millions of dollars from **Harvey Weinstein** — by threatening to kill the movie mogul and members of his family if he turned down the demand for cash, federal authorities said.

Vivek Shah, 25, is accused of targeting Weinstein and at least four other tycoons and their families to force them to wire money offshore.

But his alleged scheme was cut short by the feds, who arrested him Aug. 10 at his parents' home in the northern Chicago suburb of Schaumburg, Ill., before he headed back to California with plans to take handgun lessons at an LA shooting range, court papers say.

Shah is currently being held without bail and is in transit to West Virginia, where one of his alleged targets has a home and where he was indicted yesterday.

Shah — who was bitten by the acting bug as a child — has been **rubbing shoulders with celebs** while trying to make it in Hollywood.



## TRENDING NOW

ON NYPOST.COM



452,233

Chris Pratt slammed for praising wife for 'healthy' daughter after son's disabilities



214,896

Henry Ruggs sobbed at Las Vegas crash site as victim's car burned: video



122,489

'Indiana Jones 5' crew member found dead on location of troubled production

## WHAT TO SHOP NOW



25 best holiday gifts to shop at Kate Spade: Bags, jewelry and more

His Facebook and IMDB pages show him posing with A-list stars such as Tom Cruise, Angelina Jolie, Samuel L. Jackson and Zach Galifianakis.



15 of 15



Actor Vivek Shah allegedly threatened to kill members of movie producer Harvey Weinstein's family unless the Hollywood titan wired millions to an offshore bank account. Shah can be seen here with a number of high-powered celebrities.

IMDB/Facebook

But his résumé lists only bit parts in movies and TV. He has also appeared in commercials for Nokia and Intel, including one that ran during Super Bowl XLIV in 2010.

Shah's arrest, first reported by [The Smoking Gun](#) Web site, capped an investigation that began after he allegedly sent a letter to billionaire coal magnate Christopher Cline, who has homes in Beckley, W.Va., and North Palm Beach, Fla.

In the letter, which Cline got on June 26, Shah allegedly threatened to kill "several named members of his family . . . unless he transferred \$13 million to an offshore bank account," court papers say.

The feds also learned of "four other extortion demand letters substantially the same as the one received by Mr. Cline," according to an affidavit signed by Postal Inspector Joshua Mehall.

Shop all of Walmart's early Black Friday deal drops, plus our top 15 faves

9 Thanksgiving meal kits and delivery services for an easy holiday feast

Celeb-loved Bella Dahl launches 2022 swimsuit line for winter vacations

Giada De Laurentiis teams with Bloomingdale's for holiday pop-up

NOW ON

## Page Six



Shawn Mendes can't keep his lips off of Camila Cabello on Miami Beach

Tori Spelling seen moving boxes amid divorce rumors

Chadwick Boseman's widow to cover his parents' burials, not his estate

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## VIDEO



Inmate disarms correctional officer, gets shot by another deputy: video

NOW ON

## DECIDER



Michele Tafoya Wreaks Havoc on 'The View' After Defending Anti-Vaxxers and Ripping Critical Race Theory

SEE ALL ▶

SEE ALL ►

Those letters went to Weinstein — identified as “a Connecticut resident and co-founder of a film studio” — and three other millionaires scattered around the country.

Weinstein co-founded [Miramax](#) with his brother, [Bob](#).

[Eric Lefkofsky](#), co-founder of [Groupon](#) and worth an estimated \$2.9 billion, received a letter in Illinois, sources said.

[Terry Pegula](#), a Florida resident who is an oil exec and owner of the [NHL's Buffalo Sabres](#), was another alleged victim.

The final tycoon, identified by sources, is a Texas resident and daughter of the late oilman Dan Duncan, who founded Enterprise Products Partners.

Evidence allegedly tying Shah to the letters includes security footage that shows him buying prepaid debit cards at stores near his home that were later used to buy “Click-N-Ship” postage labels to send the shakedown letters and to try to set up overseas bank accounts, court papers say.

Weinstein, a father of four daughters, declined to comment.

But a source told The Post that he and the other victims immediately contacted the FBI after getting the threatening letters.

“He sent exactly the same letter to every victim,” the source said.

“He said in the letter he was down on his luck, in financial problems, and he needed \$4 million and he would return the money with a 4 percent interest once he was back on his feet.

“The Weinsteins have always had intense security and been on high alert because of the movies they make. Especially because of the movie ‘The Master,’ they are under intense security,” the source added, mentioning the upcoming film loosely based on the founding of [Scientology](#).

Shah’s stunned dad, Mahesh Shah, told The Post that the allegations are “out of character,” and suggested his son was acting under duress.

“He’s a very good person,” the elder Shah said.

“He was pressured by someone, and they threatened they would kill Vivek.”

Mahesh Shah said his son had regularly kept in touch with him and his wife, Kailas, since moving to LA.

“I would ask him all the time if everything there was all right and he would say everything was fine,” he said.

Mahesh said his son’s arrest came while he was staying at his parents’ home for a planned 10-day vacation.

“I just came home one day and the FBI was home. They told me he had been arrested and I was shocked,” he said.

“It’s out of character. We never expected it.”

Vivek Shah was charged with two counts of interference with commerce by threats, and two counts of transmitting threatening communications in interstate commerce, all relating to his alleged extortion of Cline.

The charges carry a maximum 40 years in the slammer.

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on Amazon for Prime Day  
New York Post



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summer 2021: 17 best hair  
removal...  
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Best monthly subscription boxes  
2021: 21 fun, unique options for...  
New York Post



11-Acre Sun Valley, Idaho, Estate  
Where 1950s Film 'Bus Stop'  
Was...  
Mansion Global



Bronchiectasis  
Coughing/Mucus Relief -  
AirPhysio OPEP Airway...  
MarketWatch

#### MORE STORIES

##### PAGE SIX



Chris Pratt slammed for praising wife for 'healthy'  
daughter after son's disabilities

##### NYPOST



Henry Ruggs sobbed at Las Vegas crash site as  
victim's car burned: video

**NEW YORK POST**



##### SECTIONS & FEATURES

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SPORTS  
OPINION  
FASHION  
LIVING  
TECH  
VIDEO  
ALEXA  
HOROSCOPES  
PODCASTS  
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PHOTOS  
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##### APPS

IPHONE APP  
IPAD APP  
ANDROID PHONE  
ANDROID TABLET  
ADVERTISE  
MEDIA KIT  
CONTACT

# Exhibit C

“Article 2”

## NEWS

## A star in his own mind

By Linda Massarella

August 23, 2012 | 4:00am

If Vivek Shah couldn't make it as a movie star in Hollywood, he could at least play the part on the Internet.

The bit-part player was so obsessed with celebs, he posted on Facebook dozens of snapshots of himself rubbing shoulders at black-tie events with Hollywood's elite.

The 25-year-old LA transplant — who listed his location as Beverly Hills on Facebook although he lives in West Hollywood — posed with the likes of Angelina Jolie, Ozzy Osbourne, Zach Galifianakis and sultry Sofia Vergara, not to mention most of her "Modern Family" castmates.

He was so proud of his snapshot with Tom Cruise, he e-mailed it to his parents in the Chicago suburb of Schaumburg, Ill., who believed him to be a successful actor.

Shah would corner his idols at movie premieres and big-ticket events such as the Screen Actors Guild awards, the ESPYs, the Golden Globes and even a bash at the Playboy Mansion.

Shah, who lived in India as a child and speaks English, Hindi and Gujarati, seemed more chameleon than actor as he faked his way onto Hollywood red carpets.

His screen acting credits never rose above minor roles.

The biggest exposure he got was in the 2010 romance "Our Family Wedding," starring Forest Whitaker and America Ferrara, in which he is billed as a "maitre d'," according to IMDB.com.

His other roles included a 2012 low-budget drama, "Monday Morning," in which he plays a "liquor-store worker."

He has also had bit parts in the TV shows "Bones" and "Outsourced," and appeared in the Batman flick "The Dark Knight," uncredited as "Middle Eastern bank hostage," according to IMDB.

Shah hid his acting dreams from one person who knew him well, telling him that he was a day trader.

"I thought he was in his 40s, he looked so old," said the man, who did not want his name printed.

"He was rude and obnoxious," he added. "He would stare people down. This happening is karma."

Shah is also listed as the producer of "Yeh Khula Aasmaan" a 2012 movie that "traces the journey of a young IT aspirant as he copes with academic failures and is surprised to discover inspiration in a most unexpected place."

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## Judge dumb'struck'

By Christina Carrega-Woodby

August 23, 2012 | 4:00am

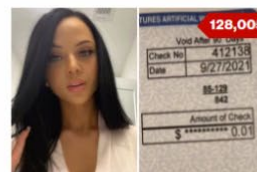


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DAICE



Vivek Shah and Adrian Brody. Shah allegedly threatened to kill members of movie producer Harvey Weinstein's family unless the Hollywood titan wired millions to an offshore bank account. Shah can be seen here with a number of high-powered celebrities.

IMDb/Facebook

A Queens judge lashed out yesterday as his own district attorney refused to file criminal charges against a cop the jurist had accused of assault.

"A jury wouldn't have a difficult time figuring out who is telling the truth and who are telling lies," fumed Queens Supreme Court Justice Thomas Raffaele, who claims the police officer rushed him and viciously karate-chopped his throat as he intervened in a police struggle with another man on an Elmhurst street on June 1.

District Attorney Richard Brown said yesterday that "after an extensive and thorough investigation" he had decided prosecutors would be unable to prove beyond a reasonable doubt that the cop "intentionally and unjustifiably struck Justice Raffaele, and that the judge sustained physical injury."

Brown did refer the incident to the Civilian Complaint Review Board and the Police Department for possible action against the cops.

Raffaele, 69, was among a group of people who watched as two cops struggled to subdue a homeless man named Charles Menninger, 47, who had allegedly been chasing people while armed with a metal pipe at 74th Street and 37th Road.

"Everyone else in the crowd was upset because . . . he was hitting the suspect," Raffaele said. "Every time we told him to stop, he hit him harder. He attacked myself and others in the crowd. He hit me in the throat."

Raffaele, who was hospitalized for a day while his throat was treated, said cops repeatedly lied to Brown's investigators about the incident.

"The officers said I was hit in the chest, and not my neck, which is a complete lie," Raffaele said. "They said that I injured my throat by yelling at people at the scene. I never yelled at anyone or the officers. I was trying to keep the scene calm."

"And they said I was being aggressive, and stepping over the line [that cops had established to keep onlookers back], which is a complete lie," the judge said.

"These officers were trying to cover up for their fellow officers."

Raffaele, who said he might sue the city over the cop's alleged assault, also lambasted Brown's office for failing to interview civilian witnesses until he urged them to do so.

In addition to refusing to charge the unidentified cop with assaulting Raffaele, Brown also did not charge the cops with using excessive force against Menninger, who was never criminally charged, but who instead was taken to a hospital by police.

"All of the credible evidence supports the findings that Mr. Menninger was acting in a violent, erratic and uncontrolled manner by attempting to strike two transit police officers with a metal pipe, and that the officers used necessary force to subdue an individual who they determined to be an emotionally disturbed person," Brown said.

Menninger's lawyer, Kevin O'Donnell, said, "The cops decided they were the trial and jury and sentenced my client to a beating."

"The DA's office's findings doesn't stop the civil case," said O'Donnell, whose client filed a \$5 million lawsuit against the cops days after the incident.

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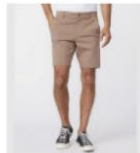


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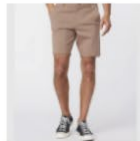
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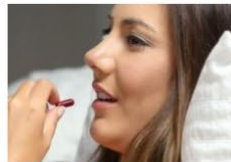
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# Exhibit E

“Article 4”



NEWS

## Accused Weinstein extorter Vivek Shah parties with celebs

By Post Staff Report

August 23, 2012 | 7:18am

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Vivek Shah and Amy Smart  
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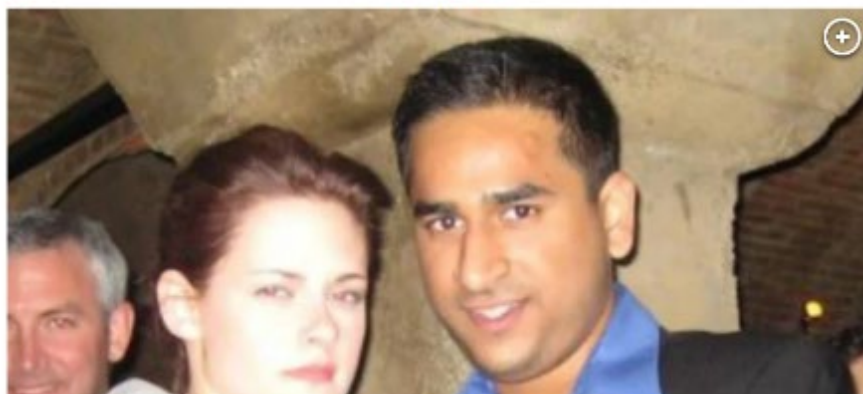
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Vivek Shah and Samuel L. Jackson  
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Mick Shah and Kristen Stewart  
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Vivek Shah and Mila Jovovich.  
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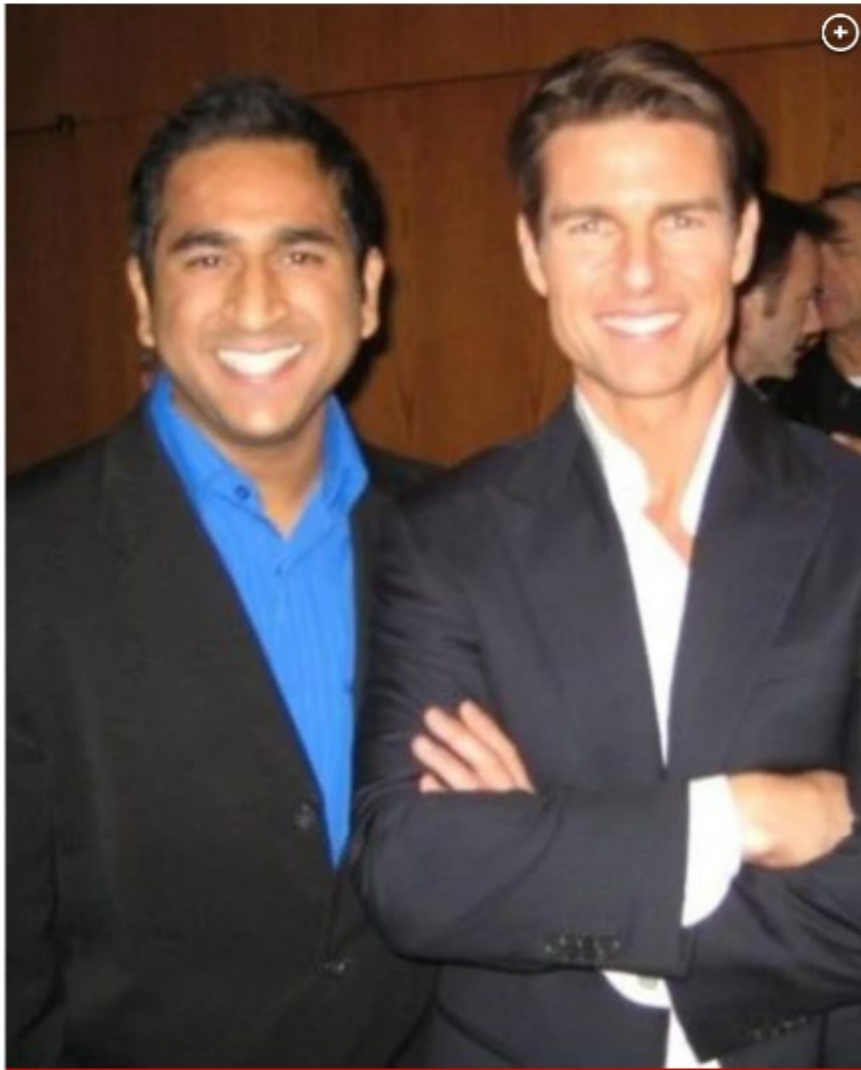
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Vivek Shah and Bill Paxton  
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Vivek Shah and Tom Cruise  
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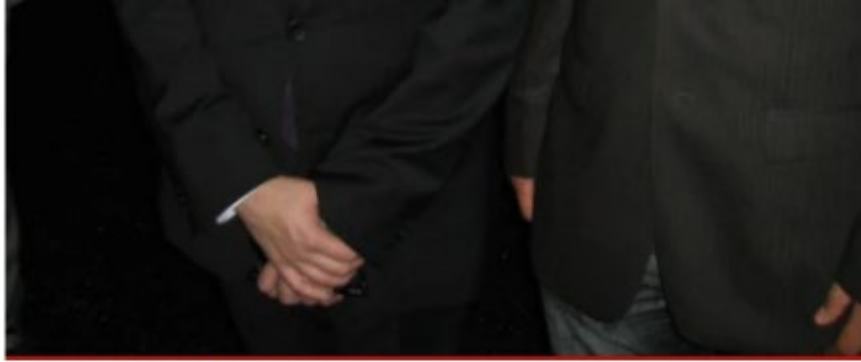


Vivek Shah and Zach Callanakis  
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Vivek Shah and Jonah Hill  
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Vivek Shah Alex Baldwin  
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Vivek Shah and Jesse Eisenberg  
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Vivek Shah and Ozzy Osbourne  
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Vivek Shah and Ray Romano.  
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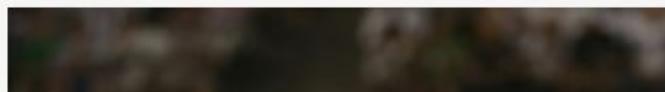


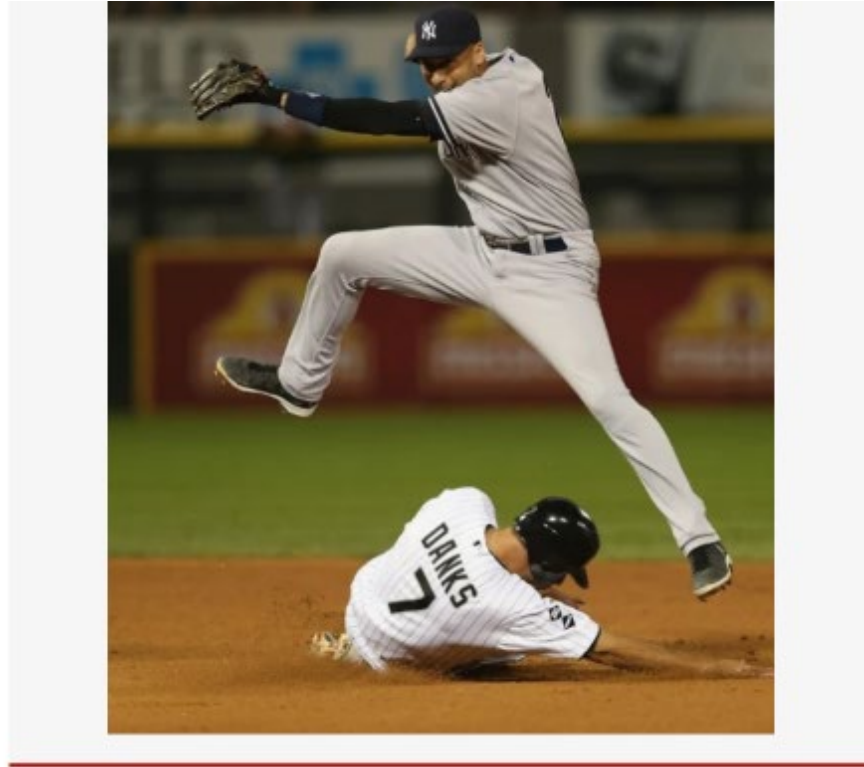
Actor Vivek Shah allegedly threatened to kill members of movie producer Harvey Weinstein's family unless the Hollywood titan wired millions to an offshore bank account. Shah can be seen here with a number of high powered celebrities.  
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# Exhibit F

“Article 5”



METRO



## Harvey Weinstein shaken by extortion attempt: report

By Post Staff Report

August 23, 2012 | 7:02pm



Harvey Weinstein  
WireImage



Vivek Shah ( )

Harvey Weinstein was shocked and concerned for his family when he received a letter from a wannabe actor who threatened to kill him and his loved ones if the movie mogul didn't turn over millions of dollars.

"It was scary when he got that letter that involved his family. He was like, 'What the heck is this?' It's the craziest thing he's every had to deal with," an insider tells *Deadline Hollywood*. "He said, 'Business is business, but this is my family.'"

Weinstein, who has four daughters and is married to designer Georgina Chapman, received his letter in July and contacted the FBI but didn't know that the alleged extortion, aspiring actor Vivek Shah, was arrested in August.

The FBI tracked Shah opening bank accounts overseas to receive the extortion money and buying phone cards and a Google pre-paid phone to avoid defection, *Deadline* reported.

In addition to Weinstein, Shah, 25, targeted at least four other actresses and their families in the same

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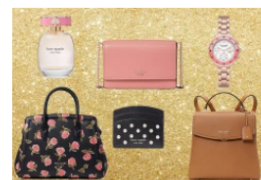
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in addition to Weinstein, Shah, 29, targeted at least four other tycoons and their families in **the same extortion plot**. He was arrested on Aug. 10 at his parents' home in the northern Chicago suburb of Schaumburg, Ill. before he headed back to California with plans to take handgun lessons at an LA shooting range, court papers say.

Shah is currently being held without bail and is in transit to West Virginia, where one of his alleged targets has a home and where he was indicted yesterday.

#### PHOTOS: VIVEK SHAH POSING WITH A-LIST STARS

Shah — who was bitten by the acting bug as a child — has been **rubbing shoulders with celebs** while trying to make it in Hollywood.

His Facebook and IMDB pages **show him posing with A-list stars** such as Tom Cruise, Angelina Jolie, Samuel L. Jackson and Zach Galifianakis.

But his résumé lists only **bit parts in movies and TV**. He has also appeared in commercials for Nokia and Intel, including one that ran during Super Bowl XLIV in 2010.

Shah's arrest, first reported by The Smoking Gun Web site, capped an investigation that began after he allegedly sent a letter to billionaire coal magnate Christopher Cline, who has homes in Beckley, W.Va., and North Palm Beach, Fla.

In the letter, which Cline got on June 26, Shah allegedly threatened to kill "several named members of his family . . . unless he transferred \$13 million to an offshore bank account," court papers say.

The feds also learned of "four other extortion demand letters substantially the same as the one received by Mr. Cline," according to an affidavit signed by Postal Inspector Joshua Mehall.

Those letters went to Weinstein — identified as "a Connecticut resident and co-founder of a film studio" — and three other millionaires scattered around the country.

Weinstein co-founded Miramax with his brother, Bob.

Eric Lefkofsky, co-founder of Groupon and worth an estimated \$2.9 billion, received a letter in Illinois, sources said.

Terry Pegula, a Florida resident who is an oil exec and owner of the NHL's Buffalo Sabres, was another alleged victim.

The final tycoon, identified by sources, is a Texas resident and daughter of the late oilman Dan Duncan, who founded Enterprise Products Partners.

Evidence allegedly tying Shah to the letters includes security footage that shows him buying prepaid debit cards at stores near his home that were later used to buy "Click-N-Ship" postage labels to send the shakedown letters and to try to set up overseas bank accounts, court papers say.

But a source told The Post that he and the other victims immediately contacted the FBI after getting the threatening letters.

"He sent exactly the same letter to every victim," the source said.

"He said in the letter he was down on his luck, in financial problems, and he needed \$4 million and he would return the money with a 4 percent interest once he was back on his feet.

"The Weinsteins have always had intense security and been on high alert because of the movies they make. Especially because of the movie 'The Master,' they are under intense security," the source added, mentioning the upcoming film loosely based on the founding of Scientology.

Shah's stunned dad, Mahesh Shah, told The Post that the allegations are "out of character," and suggested his son was acting under duress.

"He's a very good person," the elder Shah said.

"He was pressured by someone, and they threatened they would kill Vivek."

Mahesh Shah said his son had regularly kept in touch with him and his wife, Kailas, since moving to LA.

"I would ask him all the time if everything there was all right and he would say everything was fine," he said.

Mahesh said his son's arrest came while he was staying at his parents' home for a planned 10-day vacation.

"I just came home one day and the FBI was home. They told me he had been arrested and I was shocked," he said.

"It's out of character. We never expected it."

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#### VIDEO



**Inmate disarms correctional officer, gets shot by another deputy: video**



Vivek Shah was charged with two counts of interference with commerce by threats, and two counts of transmitting threatening communications in interstate commerce, all relating to his alleged extortion of Cline.

The charges carry a maximum 40 years in the slammer.

Additional reporting by Hilary Lewis, Emily Smith, Cynthia R. Fagen and Bruce Golding

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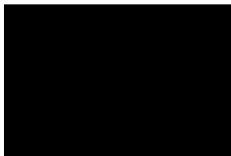
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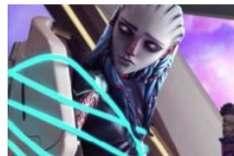
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# Exhibit G

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NEWS



## Aspiring actor accused in Weinstein plot has history of threats, money obsessions — and stealing toilets: ex-roomie

By Linda Massarella

August 24, 2012 | 4:00am



FRAUD: Bit actor Vivek Shah, who allegedly threatened to kill Harvey Weinstein in an elaborate extortion plot, liked to pose with stars like Sofia Vergara and pretend he was a bigwig.

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The aspiring actor charmed with trying to extort millions

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Harvey Weinstein (WireImage)

The coping over charged that trying to extort millions of dollars from movie mogul Harvey Weinstein plus four other tycoons and their families has a history of violent threats, obsessing over money — and even stealing toilets, The Post has learned.

"He threatened my life twice. He said leave this apartment within 24 hours or I'll kill you," said Jeremy Sinclair Short, ex-roommate of accused Hollywood extortionist Vivek Shah.

Shah, 25, also later stole more than \$8,000 worth of Short's belongings from their Los Angeles apartment in December 2010 — including two Toto electronic toilets worth a combined \$3,000, computers, electronics,

FRAUD: Bit actor Vivek Shah, who allegedly threatened to kill Harvey Weinstein in an elaborate extortion plot, liked to pose with stars like Sofia Vergara and pretend he was a bigwig. ( )

professional cookware and his running shoes, said Short, who filed a police report.

"Two days later, a note came saying, 'Merry Christmas and I f—ked you,'" Short said of Shah, whose bit roles in movies included "The Dark Knight" and the Forest Whitaker flick "Our Family Wedding."

When they were on better terms, Shah — "who is ruled by money" — told Short, "Every penny [Shah earned] goes toward my million-dollar wedding I want to have before I'm 30," the roomie recalled.

Shah often attended and crashed Tinseltown events, where he posed for photos with stars such as Tom Cruise, Angelina Jolie and Sofia Vergara.

"He sends us these pictures every once in a while of him with these stars," said Shah's former Chicago acting teacher, Edward Dennis Fogell. "He says he tries to get financing [for movie deals] and things of that nature."

Shah also allegedly sought bigger bucks in illegal ways — allegedly hatching an extortion plot that reportedly left Weinstein shaken but determined to fight back.

"It was scary when he got that letter that involved his family. He was like, 'What the heck is this?' It's the craziest thing he's ever had to deal with," a source close to the mogul told Deadline.com. "He said, 'Business is business, but this is my family.'"

Federal authorities claim that in addition to Weinstein, Shah sent threatening letters to West Virginia coal tycoon Chris Cline, Buffalo Sabres owner Terry Pegula, Groupon founder Eric Lefkowsky and the daughter of late Texas oilman Dan Duncan.

Those letters "contained a threat to kill members of the recipient's family unless a large sum of money was wired to an offshore bank account," charges a Charleston, W.Va., federal-court criminal complaint.

Shah allegedly demanded \$13 million from billionaire Cline.

The complaint details efforts Shah allegedly took to pull off the shakedowns. They include using pre-paid debit cards to buy mailing labels for the letters and setting up a bank account in Cyprus to receive money from Cline.

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